

# **CANDIDATE INFORMATION HANDBOOK**

## **FUNERAL DIRECTOR**

**2001**



**DEPARTMENT OF CONSUMER AFFAIRS**

**CEMETERY AND FUNERAL BUREAU**

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# CHAPTER 1

## INTRODUCTION

### PURPOSE OF THE EXAMINATION

Prior to receiving a funeral director's license or assuming the duties of funeral establishment manager in the State of California, candidates are required to successfully pass a written examination. The primary purpose of the examination is to help ensure public health and safety by assessing the candidate's ability to apply California health and safety laws, as well as other relevant laws and regulations, to the major duty areas of funeral director practice.

### DESCRIPTION OF PRACTICE

Section 7615 of the Business and Professions Code describes the practice of funeral director as:

*"A funeral director is a person engaged in or conducting, or holding himself or herself out as engaged in any of the following:*

- (a) Preparing for the transportation or burial or disposal, or directing and supervision for transportation or burial or disposal of human remains.*
- (b) Maintaining an establishment for the preparation for the transportation or disposition or for the care of human remains.*
- (c) Using, in connection with his or her name, the words "funeral director," or "undertaker," or "mortician," or any other title implying that he or she is engaged as a funeral director."*

## **CHAPTER 2**

# **APPLICATION PROCESS**

### **APPLICATION AND ELIGIBILITY**

Within 10 days of receipt, the Cemetery and Funeral Bureau will notify the applicant in writing regarding the status of his or her application. If the application is incomplete, the letter will specify what additional information the applicant must provide. Within 90 days after the application is deemed complete, the Bureau will notify the applicant if he or she meets the requirements for candidacy and is eligible to sit for the examination.

### **ABANDONMENT OF APPLICATION**

The Bureau considers an application abandoned if a candidate fails to participate in the examination process within 1 year of eligibility in accordance with Title 16, Section 1254, of the California Code of Regulations. In the event of abandonment, a candidate must submit a new application with the required fee, and meet all requirements at the time of filing. Fees submitted at the time of application are not reimbursed when an application is abandoned.

### **SPECIAL ACCOMMODATIONS**

All examination locations are accessible to persons with disabilities. In addition, the Bureau grants requests for special accommodations in accordance with the Americans with Disabilities Act of 1990. In order to receive consideration, all requests and substantiating documentation must be submitted 30 days prior to the examination.

## CHAPTER 3

# PREPARATION FOR THE EXAMINATION

### OVERVIEW

The funeral director examination consists of 100 multiple-choice items from major job duty areas. You will be given two hours to complete the examination. The examination is developed and maintained on behalf of the Bureau by the Department of Consumer Affairs, Office of Examination Resources (OER). OER staff work with practitioners who provide technical expertise in the development of the examination.

### DESCRIPTION OF MAJOR DUTY AREAS

The funeral director examination is divided into four major duty areas that define the scope of knowledge necessary for safe practice. Each of the major duty areas, weighted on the examination in terms of its importance in practice, is described below.

#### ***I. FUNERAL ARRANGEMENTS (35%)***

Includes knowledge pertaining to:

- A. State and federal requirements regarding disclosure and provision of accurate price information for funeral goods and services used in the disposition of human remains. Such services include embalming and/or preparation of remains; transportation; use of facility and staff; caskets or other containers; and burial and cremation. Also included is the manner by which information is conveyed to consumers, and the maintenance of records documenting compliance.
- B. The terms of preneed funeral contracts, including the delivery of merchandise; the holding of funds in trust; deposit of securities or money; maintenance of preneed accounts, contracts, and records; and reporting of preneed funds.

#### ***II. DEATH REGISTRATION (20%)***

Includes knowledge pertaining to:

- A. Requirements, content, and procedures for filing death certificates. Includes the responsibility for the funeral director, embalmer, coroner, and physician in fulfilling these requirements, as well as procedures for filing declaration of changes and record amendments.

- B. Procedures for filing and returning disposition permits and permits for removal of interred and cremated remains; control of disposition of remains; the holding of remains pending disposition; and execution of out-of-state permits.

### ***III. CARE AND DISPOSITION OF REMAINS (20%)***

Includes knowledge pertaining to:

- A. The determination and confirmation of death.
- B. The preparation and storage of remains; authorization requirements for embalming; circumstances requiring consent of the coroner to embalm; apprentice embalming; and container requirements for transporting embalmed and unembalmed remains. Other related areas include deaths necessitating inquiry; reporting of contagious diseases; certificates of religious beliefs against postmortem examinations; and implementation of the Anatomical Gift Act.
- C. Requirements regarding the right to control disposition of remains and duty of interment; custody of remains when no provision is made by the decedent; authority to inter or cremate remains; requirements to make an anatomical gift; detainment of bodies for instructional purposes; and removal of abandoned human remains.

### ***IV. ADMINISTRATION AND OPERATION OF FACILITY (25%)***

Includes knowledge pertaining to:

- A. Misrepresentation and fraud in business conduct; advertisement requirements; solicitation of business; acceptance of money to obtain business; and employment practices.
- B. Health and safety requirements in connection with the operation of a funeral establishment and the practice of embalming. Includes regulations relating to bloodborne pathogens, hazardous communication, and use of formaldehyde. Also included in this area are requirements for the disposal, treatment, and maintenance of tracking records of biohazardous waste.
- C. Licensing of funeral establishments, including procedures and requirements for conducting business in more than one location; changes of place of business; name changes; the temporary licensing of a legal representative; and requirements and terms of embalmers and apprentices.

**EXAMINATION SOURCES**

The examination outline specifies the content of the examination by identifying the knowledge required to demonstrate minimum competence for new practitioners in each of the major duty areas. Examination items will be based on the relevant statutes and provisions of the following sources:

- Business and Professions Code, Division 3, Chapter 12
- California Code of Regulations, Title 16, Division 12
- Government Code, Division 2, Chapter 10
- Health and Safety Code, Divisions 7, 8, 20, 102
- Welfare and Institutions Code, Part 3, Chapter 1, §11158
- Title 8, California Code of Regulations, Division 1, Chapter 4, Article 109, §§5193, 5194, Article 110, § 5217 (Department of Industrial Relations)
- Code of Federal Regulation, Title 16, Chapter 1 (Federal Trade Commission)

The outline on the following pages provides a guide to studying these laws and regulations.

## FUNERAL DIRECTOR EXAMINATION OUTLINE

<b>I. FUNERAL ARRANGEMENTS (35%)</b>	
A. Disclosure of prices, provision of information	<p><b>Business and Professions Code, Division 3, Chapter 12</b></p> <ul style="list-style-type: none"> <li>• § 7685 – Provision of price list</li> <li>• § 7685.1 – Caskets; pricing and display</li> <li>• § 7685.2 – Provision of information to purchaser</li> </ul> <p><b>California Code of Regulations, Title 16, Division 12</b></p> <ul style="list-style-type: none"> <li>• §1255 – Posting rules</li> <li>• §1258 – Notice regarding sealing device</li> <li>• §1258.1 – Casket price lists, price tags, price changes, display</li> <li>• §1258.2 – Rental caskets</li> </ul> <p><b>Health and Safety Code, Division 8</b></p> <ul style="list-style-type: none"> <li>• §8342 – Rules requiring remains be placed in a casket prior to cremation</li> </ul> <p><b>Code of Federal Regulations, Title 16, (Federal Trade Commission)</b></p> <ul style="list-style-type: none"> <li>• §453.2 – Price disclosures</li> <li>• §453.6 – Retention of documents</li> <li>• §453.7 – Comprehension of disclosures</li> </ul>
B. Preneed contracts, investment, accounting, and reporting of funds	<p><b>Business and Professions Code, Division 3, Chapter 12</b></p> <ul style="list-style-type: none"> <li>• §7735 – Required holding in trust of money or securities furnished under preneed funeral “contract;” use of trust corpus and income; trust fee</li> <li>• §7737 – Deposit of securities or moneys in trust; provisions of trust agreement; relief of trustee from liability on delivery of trust corpus and income</li> <li>• §7737.3 – Commingled preneed trust funds; independent financial audit</li> <li>• §7737.5 – Deposit in federally insured association</li> <li>• §7737.7 – Trust corpus deposit in credit union</li> <li>• §7738 – Right of funeral director licensed as cemetery authority to deposit money or securities pursuant to statutes and regulations respecting special endowment care</li> <li>• §7741 – Inapplicability of article; property or services furnished when payment made</li> <li>• §7745 – Copy of preneed agreement; paid in full copy to survivor</li> </ul> <p><b>California Code of Regulations, Title 16, Division 12</b></p> <ul style="list-style-type: none"> <li>• §1261 – Exempt preneed arrangements</li> <li>• §1262 – Delivery of merchandise</li> <li>• §1263 – Investment of funds allowable</li> <li>• §1264 – Termination of the trust</li> <li>• §1265 – Use of income</li> <li>• §1267 – Keeping preneed books, accounts, contracts and records</li> <li>• §1268 – Commingling of funds</li> </ul>
B. Preneed contracts,	<b>California Code of Regulations, Title 16, Division 12 (continued)</b>

investment, accounting, and reporting of funds (continued)	<ul style="list-style-type: none"> <li>• §1269 – Reporting of preneed funeral trust funds</li> <li>• §1271 – Reporting of trustees</li> <li>• §1274 – Inability to perform funeral services</li> <li>• §1275 – Requirements of preneed trust arrangements</li> <li>• §1276 – Preneed funds affected</li> </ul> <p><b>Welfare and Institutions Code, Division 9</b></p> <ul style="list-style-type: none"> <li>• §11158 – Property and rights of negligible value not classified as available resources</li> </ul>
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<b>II. DEATH REGISTRATION (20%)</b>	
A. Requirements, procedures, and content of death registration	<p><b>Business and Professions Code, Division 3, Chapter 12</b></p> <p>§7633 – Death certificates; fees</p> <p><b>Health and Safety Code, Division 102</b></p> <ul style="list-style-type: none"> <li>• §102100 – Registration; prescribed forms; confidential information</li> <li>• §102135 – Duty to furnish information of birth, death, or marriage</li> <li>• §102305 – Certificates of births and deaths; examinations; further information required</li> <li>• §102775 – Registration required; time limits</li> <li>• §102780 – Preparation and registration of certificate</li> <li>• §102790 – Source of information</li> <li>• §102795 – Medical and health section data; completion and attestation</li> <li>• §102800 – Completion of certificate; time; delivery</li> <li>• §102805 – Embalmer's signature; affixation by written special power of attorney</li> <li>• §102825 – Statement of physicians and surgeons or physician assistants; existence of cancer, designation of agent</li> <li>• §102850 – Notification of coroner; violations</li> <li>• §102860 – Statement of coroner; existence of cancer; delivery of certificate</li> <li>• §102865 – Sudden infant death syndrome; notice to local health officer</li> <li>• §102875 – Division into two sections; contents of each section</li> <li>• §102950 – Fetus advanced to 20th week of uterogestation; registration required; time limits</li> <li>• §102955 – Preparation of certificate; registration</li> <li>• §102960 – Source of information</li> <li>• §102975 – Statement of physician; attestation; delivery of certificate</li> <li>• §103005 – Examination of fetus; statement of coroner; attestation; delivery of certificate</li> <li>• §103025 – Designation of items by state registrar; division into two sections; contents of sections</li> </ul> <p><b>Health and Safety Code, Division 102 (continued)</b></p> <ul style="list-style-type: none"> <li>• §103225 – Affidavit; oath</li> </ul>
A. Requirements, procedures, and content	

of death registration (continued)	<ul style="list-style-type: none"> <li>• §103250 – Certified copy of amended record to applicant</li> <li>• §103300 – Declaration of changes; filing</li> <li>• §103500 – Authority to record</li> </ul> <b>Government Code, Division 2</b> <ul style="list-style-type: none"> <li>• §27491 – Deaths requiring inquiry; determination of cause; signature on death certificate; exhumation; notice to coroner of cause of death</li> </ul>
B. Permits of disposition of remains	<b>Health and Safety Code, Division 102</b> <ul style="list-style-type: none"> <li>• §103050 – Necessity of death certificate and disposition permit</li> <li>• §103055 – Issuance; contents; death due to disease</li> <li>• §103060 – Removal of cremated remains from place of cremation or interment; permit; contents; issuance; return</li> <li>• §103065 – Permit for disposition; issuance by local registrar; forwarding death certificate and duplicate of permit to local registrar of district; fee</li> <li>• §103070 – Holding body pending disposition</li> <li>• §103075 – Permit to accompany body; delivery</li> <li>• §103080 – Signature of person in charge; endorsement of date of interment or cremation; return to local registrar and office of issuance; destruction of permits</li> <li>• §103085 – Out of state disposition permits; issuance of local permits</li> <li>• §103090 – Removal of body for preparation</li> <li>• §103095 – Validity of burial permit in county specified</li> <li>• §103100 – Cemetery located in two registration districts; necessity of single permit</li> </ul> <b>Health and Safety Code, Division 7</b> <ul style="list-style-type: none"> <li>• §7500 – Written order, appropriate records for removal of remains</li> <li>• §7501 – Permit from local registrar for removal of interred remains</li> <li>• §7051.5 – Removal of dental gold, silver, jewelry, or mementos from human remains</li> <li>• §7502 – Compliance with reasonable rules of local health officials</li> <li>• §7525 – Consent of cemetery authority and of person who rightfully controls remains</li> </ul>

### III. CARE AND DISPOSITION OF REMAINS (20%)

A. Signs of death	<b>Health and Safety Code, Division 7</b> <ul style="list-style-type: none"> <li>• §7180 – Determination of death</li> <li>• §7181 – Confirmation of death</li> <li>• §7182 – Determination of death of anatomical gift donors</li> <li>• §7183 – Maintenance of medical records pertaining to determination of death</li> </ul>
B. Preparation	<b>Business and Professions Code, Division 3, Chapter 12</b> <ul style="list-style-type: none"> <li>• § 7632 – Embalming</li> <li>• § 7634 – Removal of tissue; purposes; qualifications of embalmer</li> </ul> <b>California Code of Regulations, Title 16, Division 12</b>

	<ul style="list-style-type: none"> <li>• §1214 – Authorization for disposition with and without embalming</li> <li>• §1215 – Attire while embalming</li> <li>• §1221 – Care and preparation for burial</li> <li>• §1223 – Embalming, preparation, and storage rooms</li> <li>• §1229 – Embalming by and apprentice</li> </ul> <p><b>Health and Safety Code, Division 7</b></p> <ul style="list-style-type: none"> <li>• §7300 – Prohibition of embalming persons who died from unknown causes</li> <li>• §7301 – Prohibition of embalming persons who died in connection with a crime</li> <li>• §7302 – Reporting contagious cases</li> <li>• §7303 – Required consent of coroner to embalm a body when death resulted from vehicular accident</li> <li>• §7304 – Requirement of written or oral permission prior to embalming</li> <li>• §7355 – Container requirements for transporting embalmed and unembalmed bodies</li> </ul> <p><b>Government Code, Division 2</b></p> <ul style="list-style-type: none"> <li>• §27460 – Interment of body</li> <li>• §27471 – Locating family; embalming; time; fee</li> <li>• §27472 – Removal and keeping of body; charges for expenses; exemptions for children 14 years and under, and crime victims</li> <li>• §27491.1 – Report of death to police officials</li> <li>• §27491.2 – Examination and identification of body; inquiry into cause of death; disposition of body; violations</li> <li>• §27491.25 – Blood, urine, etc.; samples from persons killed as result of motor vehicle accidents</li> <li>• §27491.3 – Possession and disposition of property of deceased at scene of death; sealing of premises; costs; violations; custody of body; death due to traffic accidents; anatomical donor card</li> <li>• §27491.4 – Sudden infant death syndrome; autopsy; preservation of medical findings; effect of anatomical gift</li> <li>• §27491.43 – Certificate of religious belief against postmortem anatomical dissection; effect; procedures</li> <li>• §27491.44 – Implementation of Anatomical Gift Act; human organs and tissues; removal and disposition; identification of donors; informing next of kin of option to donate</li> <li>• §27491.45 – Retention of body tissues for investigation; removal of parts of body for transplant, or therapeutic, or scientific purposes pursuant to Uniform Anatomical Gift Act</li> </ul>
C. Custody and disposition	<p><b>Health and Safety Code, Division 7</b></p> <ul style="list-style-type: none"> <li>• §7054.7 – Control of disposition of remains, disclosure for authority to cremate</li> <li>• §7100 – Right to control disposition of remains</li> </ul>

C. Custody and disposition (continued)	<ul style="list-style-type: none"> <li>• §7102 – Duty of interment, entitlement to custody of remains</li> <li>• §7104 – Custody when no provision is made by the decedent</li> <li>• §7105 – Petitions to have the duty of interment carried out by the responsible person</li> <li>• §7110 – Responsibilities/warranty/liability of person signing authorization to inter or cremate</li> <li>• §7111 – Right of cemetery authority to inter or cremate upon receiving written authorization</li> <li>• §7112 – Holds harmless cemetery authority for lawfully disposing of cremated remains</li> <li>• §7117 – Statement that must be filed when cremated remains are buried at sea</li> <li>• §7150.5 – Requirements to make an anatomical gift</li> <li>• §7151 – Classes of persons who may make an anatomical gift</li> <li>• §7151.5 – Conditions under which coroner/medical examiner may permit the removal of a part from a body within that official's custody</li> <li>• §7152 – Conditions under which only the individual may make an anatomical gift</li> <li>• §7154 – Rights of donee</li> <li>• §7155 – Prohibition of purchase or sale of a body part for transplantation</li> <li>• §7200 – Heads of public institutions to notify relatives of decedent</li> <li>• §7201 – Transmission of brief medical history; records open for inspection</li> <li>• §7202 – Embalming and disposal per instruction from state department</li> <li>• §7203 – Bodies retained for instructional purposes only</li> <li>• §7204 – Expenses incurred in preservation and transportation in permanent record</li> <li>• §7205 – No post mortem examination without consent of state department</li> <li>• §7207 – Interment of remains by party who failed to notify state department</li> <li>• §7208 – Prohibits disposal, use, or sale of body of an unclaimed person</li> <li>• §7800 – Voluntary removal and disposal of remains prior to cemetery authority action</li> <li>• §7801 – Affidavit and written consent from person proposing voluntary removal</li> <li>• §7802 – Identifies persons who may voluntarily remove remains without affidavit of consent</li> <li>• §7803 – Right of heir to plot to remove remains</li> </ul> <p><b>Health and Safety Code, Division 7 (continued)</b></p> <ul style="list-style-type: none"> <li>• §7804 – Right of cemetery authority to remove and dispense of appurtenances</li> <li>• §7852 – Use of a separate, suitable receptacle</li> </ul>
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	<ul style="list-style-type: none"> <li>• §8003 – Power of county to remove abandoned human remains</li> <li>• §8004– Transportation of remains in separate, suitable container</li> </ul>
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#### IV. ADMINISTRATION AND OPERATION OF FACILITY (25%)

A. Negligence/misconduct	<p><b>Business and Professions Code, Division 3, Chapter 12</b></p> <ul style="list-style-type: none"> <li>• § 7692 – Business conduct – misrepresentation, fraud</li> <li>• § 7692.5 – Misrepresentation of burial regulations to obtain business</li> <li>• § 7693 – False or misleading advertising</li> <li>• § 7694 – Solicitation of business – advertising exception</li> <li>• § 7695 – Employment of cappers, steerers, solicitors</li> <li>• § 7696 – Employment of persons to solicit bodies</li> <li>• § 7697 – Buying of business – commissions</li> <li>• § 7699 – Aiding, abetting unlicensed practitioner</li> <li>• § 7700 – Prohibition of profane, indecent, obscene language</li> <li>• §§ 7701, 7701.5 – Acceptance of kickbacks</li> <li>• § 7702 – Use of previously used caskets, components</li> <li>• § 7706 – Refusal to surrender dead body to lawfully entitled persons</li> <li>• § 7707 – Gross negligence, gross incompetency, unprofessional conduct</li> <li>• § 7716 – Paying money to secure business</li> <li>• § 7717 – Paying or offering money; recommending crematory, cemetery</li> <li>• § 7717.5 – Paying or offering money; recommending florist</li> <li>• § 7718 – Soliciting or accepting money to obtain business</li> <li>• § 7718.5 – Unlicensed person as a funeral director; misdemeanor</li> </ul> <p><b>Health and Safety Code, Division 7</b></p> <ul style="list-style-type: none"> <li>• §7051 – Unlawful removal of human remains for sale or dissection</li> <li>• §7051.5 – Unlawful removal of dental gold or silver, jewelry</li> <li>• §7052 – Felony mutilation, disinterment, or removal of remains</li> <li>• §7053 – Unlawful detention of human remains</li> </ul> <p><b>Code of Federal Regulations, Title 16, (Federal Trade Commission)</b></p> <ul style="list-style-type: none"> <li>• §453.3 – Misrepresentations</li> <li>• §453.4 – Required purchase of funeral goods or funeral services</li> <li>• §453.5 – Services provided without prior approval</li> </ul>
B. Health and safety requirements	<p><b>California Code of Regulations, Title 8, Division 1</b></p> <ul style="list-style-type: none"> <li>• §5193 – Boodborne pathogens</li> <li>• §5194 – Hazard communication</li> <li>• §5217 – Formaldehyde</li> </ul>
B. Health and safety requirements (continued)	<p><b>Health and Safety Code, Division 20</b></p> <ul style="list-style-type: none"> <li>• §117635 – Biohazardous waste</li> <li>• §117690 – Biological medical waste</li> <li>• §117975 – Treatment and tracking records</li> <li>• §118030 – Limited quantity hauling exemption; requirement; fees</li> </ul>

	<ul style="list-style-type: none"> <li>• §118275 – Medical waste; containing or storing</li> <li>• §118280 – Biohazardous or sharps waste; containerizing or storing in biohazardous bags</li> <li>• §118215 – Methods of treatment of medical waste</li> <li>• §118220 – Human anatomical parts</li> <li>• §118222 – Biohazardous waste</li> </ul> <p><b>California Code of Regulations, Title 16, Division 12</b></p> <ul style="list-style-type: none"> <li>• §1209 – Ambulances, hearses, and first call pick-up cars</li> <li>• §1216 – Sanitation</li> <li>• §1222 – Embalming fluids</li> </ul>
C. Licensing requirements	<p><b>Business and Professions Code, Division 3, Chapter 12</b></p> <ul style="list-style-type: none"> <li>• § 7616 – Funeral establishment operation by licensed director–ambulance service</li> <li>• § 7617 – Place of business licensing</li> <li>• § 7623 – Separate locations, licensees</li> <li>• § 7624 – One director per establishment</li> <li>• § 7628 – Application to change place of business</li> <li>• § 7629 – Unfair competition; misleading names, change</li> <li>• § 7630 – Assignment of license; qualifications, audit of trust</li> <li>• § 7631 – Death of licensee; temporary licensing of legal representative</li> <li>• § 7641 – Unlicensed practice; students, instructors</li> <li>• § 7643 – Applicant’s qualifications</li> <li>• § 7648 – Embalmer’s license nonassignable</li> <li>• § 7649 – Signature of licensee on certificate</li> <li>• § 7665 – Requirements of apprenticeship</li> <li>• § 7666 – Term of apprenticeship</li> <li>• § 7667 – Leave of absence</li> <li>• § 7668 – Suspension, revocation; grounds</li> <li>• § 7670 – Apprenticeship requirement</li> <li>• § 7680 – Display of licenses</li> </ul> <p><b>California Code of Regulations, Title 16, Division 12</b></p> <ul style="list-style-type: none"> <li>• §1210 – Funeral director license, possession of</li> <li>• §1211 – Name of funeral establishment</li> <li>• §1212 – Manager of funeral establishment</li> <li>• §1213 – Change of corporate officers, manager, or ownership</li> </ul>

## CHAPTER 4

### DAY OF THE EXAMINATION

#### REQUISITE MATERIALS FOR ADMITTANCE

Candidates must report to the registration area at the time and date specified on the Notice of Admittance for the examination. The proctors will collect the Notice of Admittance and ask to see official identification with photograph. Candidates who do not bring the Notice of Admittance and identification with photograph will **NOT** be allowed to participate in the examination.

#### EXAMINATION SECURITY

Candidates should be prepared to place handbags, briefcases, and other large personal belongings away from the examination table. The proctors will provide instructions regarding registration, seat assignments, completion of examination materials, and other steps in the examination process.

Section 123 of the Business and Professions Code prohibits persons who sit for the examination from engaging in any conduct that subverts or attempts to subvert any licensing examination or the administration of a licensing examination. Such conduct includes but is not limited to obstructing the standardized administration of the examination, removal of examination materials from the examination room, communicating examination information to another person, copying answers from another person, using unauthorized books, equipment, notes, or other printed materials during the examination, and permitting an impersonator to take the examination (for full text of Section 123, see Appendix A). Violation of Section 123 will result in disqualification from the examination and possible denial of a license.

## **CHAPTER 5**

### **NOTIFICATION OF RESULTS**

#### **PASSING SCORE**

Examinations often vary in difficulty depending on the form of the examination administered. For this reason, the passing score is determined using a criterion-referenced method rather than a set score or percentage. Applying the criterion-referenced method, the difficulty of each item on the examination is evaluated relative to the minimum competence standard for safe practice. As a result, the passing score is lower for difficult examinations, and is higher for easier examinations, providing a safeguard to both the candidate and the public.

#### **RELEASE OF RESULTS**

The Cemetery and Funeral Bureau will notify candidates of examination results within 8 weeks of the scheduled examination date. If results are not received 1 week past the specified date, submit a written request to the Bureau for a duplicate copy of your results.

*Examination results will not be released by telephone.*

#### **CHANGE OF ADDRESS**

Candidates must notify the Bureau of any change of address in writing. Allow 30 days for the change of address to be effective.

#### **RE-APPLICATION PROCESS**

If a candidate fails the examination, he or she may submit a new application with the required fee by the final filing date.

## APPENDIX A

### BUSINESS AND PROFESSIONS CODE SECTION 123

§ 123. It is a misdemeanor for any person to engage in any conduct which subverts or attempts to subvert any licensing examination or the administration of an examination, including, but not limited to:

- (a) Conduct which violates the security of the examination materials; removing from the examination room any examination materials without authorization; the unauthorized reproduction by any means of any portion of the actual licensing examination; aiding by any means the unauthorized reproduction of any portion of the actual licensing examination; paying or using professional or paid examination-takers for the purpose of reconstructing any portion of the licensing examination; obtaining examination questions or other examination material, except by specific authorization either before, during, or after an examination; or using or purporting to use any examination questions or materials which were improperly removed or taken from any examination for the purpose of instructing or preparing any applicant for examination; or selling, distributing, buying, receiving, or having unauthorized possession of any portion of a future, current, or previously administered licensing examination.
- (b) Communicating with any other examinee during the administration of a licensing examination; copying answers from another examinee or permitting one's answers to be copied by another examinee; having in one's possession during the administration of the licensing examination any books, equipment, notes, written or printed materials, or data of any kind, other than the examination materials distributed, or otherwise authorized to be in one's possession during the examination; or impersonating any examinee or having an impersonator take the licensing examination on one's behalf.

Nothing in this section shall preclude prosecution under the authority provided for in any other provision of law.

In addition to any other penalties, a person found guilty of violating this section, shall be liable for the actual damages sustained by the agency administering the examination not to exceed ten thousand dollars (\$10,000) and the costs of litigation.

- (c) If any provision of this section or the application thereof to any person or circumstances is held invalid, that invalidity shall not affect other provisions or applications of the section that can be given effect without the invalid provision or application, and to this end the provisions of this section are severable.